

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:14-00229

SAMUEL MILLER

**MEMORANDUM OPINION AND ORDER**

Pending before the court is defendant's motion to continue the trial and plea hearing in this matter. (Doc. No. 26). In support of defendant's motion, counsel for the defendant states that he has a previously scheduled medical appointment that conflicts with the trial and plea hearing that are currently scheduled. Defendant requests a continuance of approximately thirty days. Counsel for the government does not oppose the motion to continue.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and GRANTS defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant the continuance would deny counsel for the defendant continuity of counsel.

Accordingly, the court hereby **ORDERS** as follows:

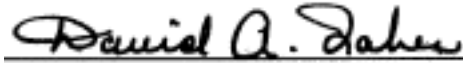
1. Trial of this action is continued until January 23, 2015, at 9:30 a.m., in Bluefield;

2. The plea hearing is scheduled for January 22, 2015, at 10:30 a.m., in Bluefield;
3. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of defendant's motion until the trial is excludable for purposes of the Speedy Trial Act.\*

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, the United States Marshal for the Southern District of West Virginia and the Probation Office of this court.

**IT IS SO ORDERED** this 30th day of December, 2014.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge

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\*Pursuant to 18 U.S.C. § 3161(h)(1)(G), the time is also excluded as "delay resulting from consideration by the court of a proposed plea agreement to be entered into by the defendant and the attorney for the Government. . . ."